

**DISTRICT V ADVISORY BOARD
AGENDA**

**May 3, 2004
7:00 p.m.**

**Auburn Hills Golf Course Clubhouse
443 S. 135th West**

ORDER OF BUSINESS

Call to Order

Approval of Minutes for April 12, 2004

Approval of Agenda for May 3, 2004

Public Agenda

This portion of the agenda provides an opportunity for citizens to present issues that are not part of the regular agenda for the meeting.

1. Scheduled items

Tobacco Free Wichita

A representative from Tobacco Free Wichita will present a briefing on clean indoor air and the need for an air ordinance.

Recommended Action: Receive and file

2. Off-agenda items

Recommendation: Provide comments/take appropriate action.

Staff Presentations

3. Community Police Report

Community Police Officers for District V will report on specific concerns for beat areas.

Recommended Action: Receive and file

Planning Agenda

4. [Staff Report CUP2003-00048](#)

Donna Goltry, Planning, will re-present a request to create DP-267 Tyler's Landing Commercial Community Unit Plan and change the zoning from SF-5, Single Family, to LC, Limited Commercial. DAB V reviewed the request on 10/06/2003 and referred it back to Planning staff to work with the agent and property owner to resolve issues. Subsequently, the applicant requested the request be deferred indefinitely; the applicant is now requesting consideration of the request again.

Recommended Action: Recommend that Council approve the request.

Public Works Agenda

5. Proposed Water Distribution System

Rob Younkin, Public Works, will **present a petition** to construct a **water distribution system** along Murdock, between Arapaho and Gilda, immediately east of the Floodway, north of Central and south of 13th Street.

Recommended Action: Recommend advisement to City Council to approve the petition.

6. Conceptual Plans for the Ridge/Maple Intersection Modification Project

Scott Logan, Public Works Traffic Engineering, will present conceptual plans for the Ridge/Maple Intersection Modification Project as a traffic safety project included in the 2004 Capital Improvement Plan. The plan proposes construction of dual left-turn lanes at the intersection approaches to mitigate traffic delays and left-turning accidents.

Recommended Action: Recommend advisement to City Council to approve the conceptual plans for the Maple/Ridge Intersection Modification project.

Board Agenda

7. Updates, Issues, and Reports

Report on any activities, events, or concerns in the neighborhoods and/or District V.

Council Member Martz

- Issues/updates

DAB Members

- Other concerns/issues/updates

Recommended Action: Address each item, as appropriate.

Next Meeting

The next meeting for District Advisory Board V will be scheduled at Auburn Hills Clubhouse at 7:00 p.m. at a June date to be determined.

Adjournment

STAFF REVISED REPORT

MAPC May 6, 2004

DAB V May 3, 2004

CASE NUMBER: CUP2003-00048; ZON2003-00044 DP-267 Tylers Landing Commercial Community Unit Plan

APPLICANT/AGENT: Alan L. and George R. Rennick, Charles R. and Connie L. Woodard, Trustees of the Charles R. Woodard Trust and of the Connie L. Woodard Trust (owners); R & R Realty, LLC, c/o Rob Ramseyer (contract purchaser); Baughman Company, PA, c/o Terry Smythe (agent)

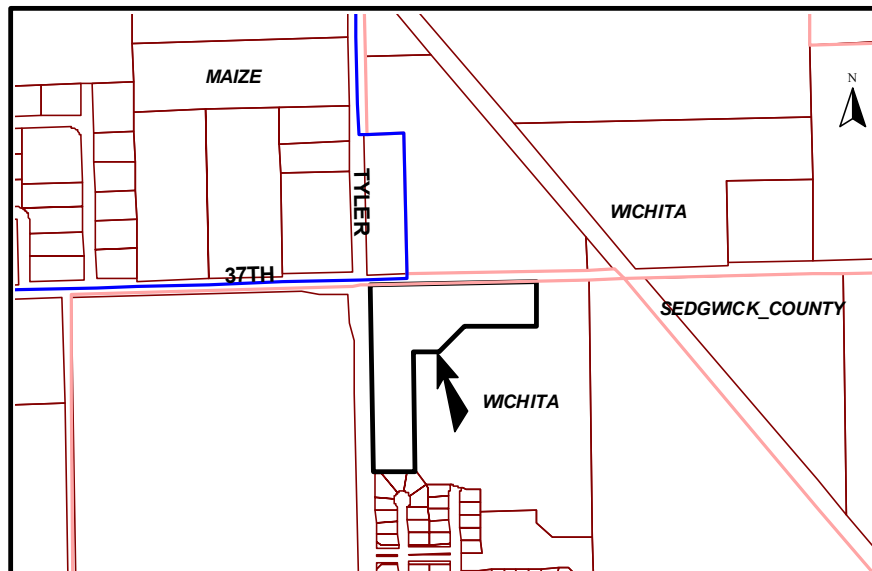
REQUEST: Create DP-267 Tylers Landing Commercial Community Unit Plan; zone change to “LC” Limited Commercial

CURRENT ZONING: “SF-5” Single-family Residential

SITE SIZE: 10.07 acres

LOCATION: Southeast corner of 37th Street North and Tyler Road

PROPOSED USE: Commercial development



BACKGROUND: *The original C.U.P. was discussed at the MAPC meeting on October 9, 2003 and the District V Advisory Board meeting on October 6, 2003. The revised C.U.P. will be discussed at the MAPC of May 6, 2004 and the DAB V meeting of May 3, 2004.*

The applicant is requesting to create DP-267 Tylers Landing Commercial Community Unit Plan, which would be a 10+ acre development with seven parcels for commercial use. The property is located on the southeast corner of 37th Street North and Tyler Road. All the parcels are relatively small, with two parcels on 37th closest to the intersection being approximately two acres and the remaining parcels being a little more than one acre in size.

Proposed uses are all “LC” Limited Commercial uses except adult entertainment uses, group homes, group residential, correctional placement residences, asphalt/concrete plant, private clubs, taverns, and drinking establishments.

Some restrictions are offered to reduce the conflicts between the commercial development and the nearby residential lots. Drive-through windows associated with restaurants would have to be a minimum of 100 feet from residential zoning. Service stations, vehicle repair, limited and full-service car washes would be prohibited on Parcels 1 and Parcel 7, which are the parcels on the southernmost and easternmost edge of the C.U.P. Car washes associated with convenience stores on Parcels 1 and 7 would be prohibited between the principal building and the residential lots to the south (for Parcel 1) and east (for Parcel 7). Overhead doors could not face any residential zoning district.

Maximum building coverage is 30 percent; floor area ratio is 35 percent. Maximum height is 35 feet. Setbacks are 35 feet for exterior property lines and 15 feet for interior parcels, unless parcels are held in uniform ownership whereby no setback is needed.

Lighting is limited to 24 feet in height. A screening wall is required along the interior property line bordering residential use. The C.U.P. includes provisions for landscaping per Landscape Ordinance of the City of Wichita and planting of buffer trees along residential property lines at a rate of one tree per 30 feet, and a pedestrian walk system linking buildings with Tyler and 37th Street North.

The C.U.P. calls for architectural compatibility among the tracts and employing materials similar to surrounding residential areas. However, the C.U.P. only would prohibit metal facades on the front of the buildings. The parcels would share a consistent landscape palette and parking lot lighting elements.

As requested, freestanding signs would be monument-style and limited to 20 feet in height. The amount requested is at the upper limits permitted in “LC” of 0.8 square feet per foot of frontage. The maximum size ranging from 170 to 250 square feet exceeds typical neighborhood-scale retail centers on the west side and the property directly to the north of Parcels 5-7, which have a maximum size of 96 square feet (with multiple tenants) per sign and a total amount at 0.5 square feet per foot of frontage. The C.U.P. prohibits off-site and portable signs, limits interior window display to 25 percent of window area, and prohibits wall signs on the rear of buildings.

The surrounding property is vacant or in suburban use except for the Maize Middle School South located to the west. The Maize School district has a 100-acre tract for future construction of a high school. The property to the north is zoned SF-5 but approved for “LC” with a protective overlay. The property to the south and southeast is platted for “SF-5” Single-family use. The land to the northwest is shown as being in the city of Maize. Current use is suburban lots.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|--------|------------------|
| NORTH: | “SF-5” | Vacant, suburban |
| SOUTH: | “SF-5” | Vacant |
| EAST: | “SF-5” | Vacant |
| WEST: | “SF-5” | School |

PUBLIC SERVICES: 2002 traffic counts are unavailable. The 2030 traffic projection (ADT) was approximately 4,000 cars per day for both streets. However, these projections did not account for effect of the Northwest Bypass, which would significantly increase traffic on 37th Street North, or traffic from the 100-acre tract school site.

Currently, Tyler is improved as a two-lane county arterial street. 37th Street North is a township road and is unpaved. Wichita has scheduled 37th Street North to be paved in 2006 from Tyler to Ridge Road. However, the city of Maize has annexed the north half of 37th Street North for 279 feet east of the corner section. No improvements are scheduled for Tyler Road.

The C.U.P. proposes three points of access on 37th Street North and four on Tyler Road for a total of seven openings. The openings generally conform to the Access Management Policy. Four openings are right-in/right-out, including the two nearest the intersection on Tyler and the openings nearest the intersection and the farthest to the east on 37th. The full opening on Tyler is slightly offset from the Maize South Middle School, but the final location can be shifted slightly to align during platting.

Other normal public services are available or are in process of being extended to the site.

CONFORMANCE TO PLANS/POLICIES: The “Wichita Land Use Guide, as amended 1/02” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “low density residential” development.

Commercial Objective III.B encourages future commercial areas to “minimize detrimental impacts to other adjacent land uses”, with **Strategy III.B.1** seeking to channel new strip commercial uses to areas identified on the “Wichita Land Use Guide”, and **Strategy III.B.2** seeking to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials, and combined

ingress/egress locations. The **Commercial Locational Guideline #3** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The proposed C.U.P. is in conformance with the general recommendations of the Comprehensive Plan, and follows the commercial locational guidelines with respect to similar landscaping palette and building materials, shared internal circulation, and cross-lot access.

Residential Objective II.A.1 seeks to use community unit plans and other tools to promote appropriate buffering. The C.U.P. adds a 100-foot separation for drive-through windows and prohibits overhead doors facing residential districts.

RECOMMENDATION: The C.U.P. has a long common frontage with the residential lots to the south and east because of the narrow configuration of the C.U.P. parcels. The revised C.U.P. has added some buffering measures to mitigate this impact, including the 100-foot separation for restaurant drive-through windows, prohibiting overhead doors facing residential areas, separating accessory car wash bays from direct proximity to residential lots and increasing the landscape buffer. It has improved the urban design elements of the C.U.P. with a uniform landscape, lighting and materials palette.

The overall intensity of use for the C.U.P. is heavier than typical of neighborhood retail centers by allowing convenience stores, restaurants with drive-through windows, vehicle repair, limited, service stations, and car washes, even though these uses all have some buffering limitations.

Also, the signage is at the upper limit of that allowed by “LC” and is considerably more intense than approved for the commercial use directly north on 37th Street North.

The potential for traffic conflicts are greatest at the peak afternoon times when traffic from the school and the retail uses would overlap. A traffic impact study was not completed, although the site would be anticipated to generate approximately 500 trips during the peak afternoon hour with general shopping center type of development. And, this rate would be higher if the parcels are developed with drive-through restaurants or other similar high traffic generating uses. Recommended transportation improvements intended to accommodate projected traffic volumes are included in lieu of more detailed recommendations from a traffic study.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2003-00044) to “LC” Limited Commercial;
- B. APPROVE the Community Unit Plan (DP-267), subject to the following conditions:
 - 1. Transportation requirements:

- a. A site plan for shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/ blocked by the layout of parking stalls or landscaping.
 - b. The applicant shall provide a guarantee for right-turn accel/deceleration lanes along the perimeter of the property.
 - c. The applicant shall provide a guarantee for center left-turn lane along 37th Street North and Tyler Road.
 - d. Location of the major entrance on Tyler Road shall be located across from the major entrance to Maize South Middle School.
 - e. Access points shall be in conformance with the Access Management Policy.
 - f. The developer shall guarantee 12-½ percent share of cost for the intersection signalization at Tyler Road and 37th Street North.
 - g. Provision of a traffic impact study is not required if the applicant accepts the above recommendations.
2. No development shall be allowed along 37th Street North until the street is paved to a two-lane county standard.
 3. General Provision #7 shall be amended as follows:
 - Parcel 1: 170 sq. ft. of signage, located at least 75 feet from southern property line
 - Parcel 4: 150 sq. ft. of signage on each frontage (maximum of 2 signs)
 - Parcel 5: 150 sq. ft. of signage
 - Parcel 6: 150 sq. ft. of signage
 - Parcel 7: 150 sq. ft. of signage, located at least 75 feet from eastern property line.
 4. Amend to General Provision #16 as follows: “No predominately metal facades shall be allowed.”
 5. Add to General Provision # 18: Exterior audio systems that project sound beyond the boundaries of the C.U.P. are prohibited.
 6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 7. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 8. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be
 9. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-267) includes special conditions for development on this property.
 10. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding property is vacant or in suburban use except for the Maize South Middle School located to the west. The Maize School district has a 100-acre tract for the new middle school plus for future school building expansion. The property to the north is approved for "LC" with a protective overlay along 37th, with residential use beyond. The property to the south and southwest is platted for "SF-5" Single-family use. The land to the northwest is shown as being in the city of Maize. Current use is suburban lots.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed with single-family use, but the use of the land closest to arterial intersections for neighborhood-serving and small-scale commercial use is typical of development patterns in the Wichita metropolitan area.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental effects on nearby property are reduced by the recommended restrictions to commercial uses and site development requirements, but still would be expected to affect the row of lots nearest the C.U.P.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "low density residential" development, which is not in conformance with the zoning requested. The proposed use restrictions and site development requirements seek to follow commercial and residential objectives and locational guidelines of the *Comprehensive Plan*.
5. Impact of the proposed development on community facilities: The traffic increases from the development should be mitigated by the addition of accel/decel lanes and left-turn lanes. Other community facilities are being extended to serve new development in the vicinity. The development, or other residential development in the vicinity, will require paving of 37th Street North.



INTEROFFICE MEMORANDUM

TO: Mayor and Wichita City Council Members
Metropolitan Area Planning Commission

FROM: Dana Brown, District V Neighborhood Assistant

SUBJECT: CUP2003-00048, Associated with ZON2003-00044DP-267 Tyler's Landing

DATE: October 8, 2003

On Monday, October 6, 2003 the District Advisory Board (DAB) for Council District V considered a request to create DP-267 Tyler's Landing Commercial Community Unit Plan and ZON2003-44, a request to change zoning from "SF-5" Single-family Residential to "LC" Limited Commercial. The area is located on the southeast corner of 37th Street North and Tyler Road.

The District V Advisory Board voted 8:0 to refer the case back to the Planning staff to work with the agent & property owner on their requests.

Donna Goltry, Planning, presented the request to create DP-267 Tyler's Landing Commercial CUP, a 10+ acre development with seven parcels for commercial use. Staff is advising that general provisions be added including landscaping & landscape buffers and restrict uses allowed for LC to make the commercial development more compatible to neighborhood use, due to the planned construction of homes directly adjacent to the development. Other conditions are also requested that pertain to limits placed on maximum building coverage & floor space, signage, and metal facades. She noted that the Far West Plan did not apply to this area.

Terry Smythe, agent for the applicant, spoke saying that the property owner had not had time to thorough review the staff report but was initially opposed to several conditions including restriction of LC uses; signage limitation, asking for allowance of City's sign code; façade requirements, wanting façade on front only; and, building height restriction, requesting 45 ft. instead.

No public comments were made, as the residential area has not yet been developed.

DAB Members asked questions about restrictions for different parcels, set-backs, facades for metal buildings, traffic impact & access points, especially with the Maize school planned across the street & the future plan for it to become a high school. The Board expressed concern about the number of issues that had not yet been resolved prior to presentation to DAB V. They asked that the request be brought back when the majority of these issues have been resolved.

Please review this information when CUP2003-00048; ZON2003-00044 DP-267 Tyler's Landing Commercial CUP is considered.

DLB

**City of Wichita
District V Advisory Board Meeting
May 3, 2004**

TO: City Council Member
District Advisory Board Members

SUBJECT: Petition to construct a Water Distribution System along Murdock, between Arapaho and Gilda

INITIATED BY: Public Works

AGENDA: New Business

Recommendations: Approve the Petition.

Background: A petition requesting a water distribution system along Murdock, between Arapaho and Gilda has been received from resident property owners. The area is immediately east of the Floodway, north of Central and south of 13th Street. The signatures on the Petition represent 3 of 7 (42.86%) resident owners and 68.15% of the improvement district area.

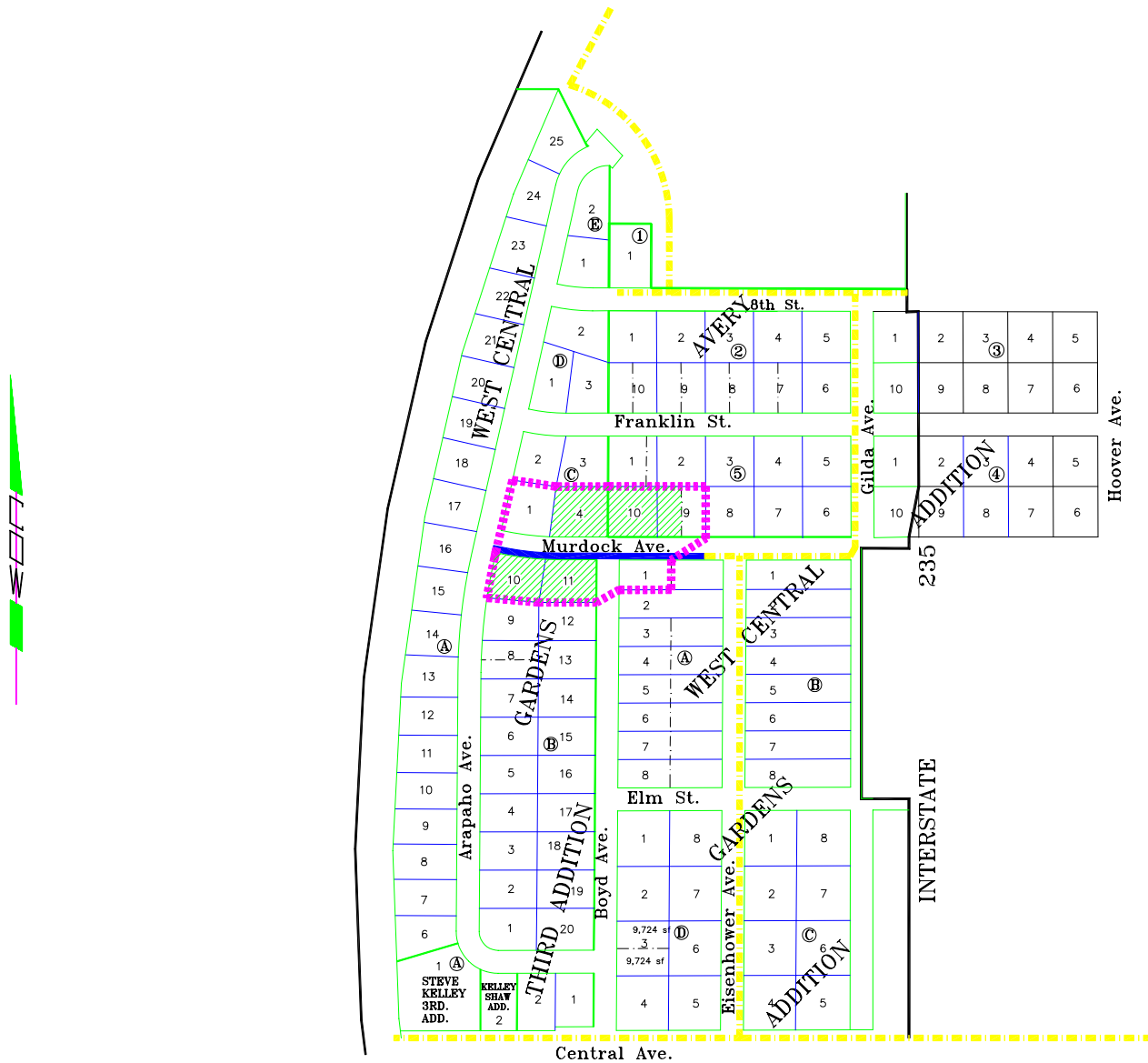
Analysis: The project would extend City water service to the eight (8) homes along Murdock, between Arapaho and Gilda, in the designated improvement district through responding to the petition request.

Financial Considerations: The estimated cost of the project is \$36,000 with the total assessed to the improvement district area. The proposed method of assessment is the *square foot basis*. The estimated assessment to individual properties is \$00.32 per square foot of ownership.

Legal Considerations: State Statutes provide that a Petition is valid if signed by more than 50% of resident property owners or by owners of more than 50% of the property in the improvement district.

Recommendation/Actions: It is recommended that the District V Advisory Board approve the Petition.

PROPOSED WATER LINE TO SERVE MURDOCK FROM WEST OF EISENHOWER TO ARAPAHO



IMPROVEMENT DISTRICT -----
 PROPOSED WATER LINE ————
 EXISTING WATER LINE - - - - -
 AREA SIGNED (68.15%)
 RESIDENT OWNERS SIGNED (42.86%)



| Estimated assessments for water to serve Murdock from Arapaho to west of Eisenhower. | | | | | | | | | 05/03/04 |
|---|--|------------------|----------------------|----------------|-------------|-----------------|------------------|-----------------------|------------------|
| Key No. | Property Owner | Property Address | Legal Description | Area (sq. ft.) | Area Signed | Resident Owners | Res. Own. Signed | Estimated Assessment* | Annual Payment** |
| | | | | | | | | | |
| <u>WEST CENTRAL GARDENS THIRD ADDITION</u> | | | | | | | | | |
| | | | | | | | | | |
| D-19798 | Weems, Ronnie 513 S Emporia Wichita KS 67202 | 764 N Arapaho | Lot 10, Block B | 15,485 | 15,485 | 1 | 1 | \$5,021 | \$403 |
| D-19799 | Weems, Ronnie R 513 S Emporia Wichita KS 67203 | 751 N Boyd | Lot 11, Block B | 15,815 | 15,815 | repeat | repeat | \$5,128 | \$411 |
| D-19809 | Dent, Kenneth R | 802 N Arapaho | Lot 1, Block C | 16,396 | | 1 | | \$5,316 | \$427 |
| D-19812 | Wisecarver, Gregory K 319 N Hoover Wichita KS 67212 | 6000 W Murdock | Lot 4, Block C | 19,030 | 19,030 | 1 | 1 | \$6,171 | \$495 |
| | | | | | | | | | |
| <u>AVERY ADDITION</u> | | | | | | | | | |
| | | | | | | | | | |
| D-18362 | Rosales, Jose Hugo | 5902 W Murdock | E 1/2 Lot 9, Block 5 | 8,349 | | 1 | | \$2,707 | \$217 |
| D-18362-1 | Stevens, Vicki L % Vicki L Hyle | 5906 W Murdock | W 1/2 Lot 9, Block 5 | 8,349 | 8,349 | 1 | 1 | \$2,707 | \$217 |
| D-18363 | Wisecarver, Gregory K 319 N Hoover Wichita KS 67212 | 5908 W Murdock | Lot 10, Block 5 | 16,979 | 16,979 | repeat | repeat | \$5,506 | \$442 |
| | | | | | | | | | |
| <u>WEST CENTRAL GARDENS ADDITION</u> | | | | | | | | | |
| | | | | | | | | | |
| D-18373-1 | Porter, William E Etux 645 N Mc Lean Wichlita KS 67203 | 758 N Boyd | W 1/2 Lot 1, Block A | 10,622 | | 2 | | \$3,444 | \$276 |
| | | | | | | | | | |
| | | | Total: | 111,025 | 75,658 | 7 | 3 | \$36,000 | |
| Abbreviations: | | | | | | | | | |
| etal. = and others | | | | | | | | | |
| etux. = and wife | | | | | | | | | |
| etvir. = and husband | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| * Estimated assessment for water line construction based on \$0.32 per square foot excluding inflation, and/or temporary financing. | | | | | | | | | |
| This cost does not include the Tap Fee, currently \$750, Water Plant Equity Fee, currently \$1,060, or the cost of a plumber. | | | | | | | | | |
| | | | | | | | | | |
| ** Estimated Annual escrow payment based on 5% bond sale rate, and spread over 20 years | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

**City of Wichita
District V Advisory Board Meeting
May 3, 2004**

TO: City Council Member Martz
District V Advisory Board Members

SUBJECT: **Conceptual Plans for the Ridge/Maple Intersection Modification Project**

INITIATED BY: Scott Logan, City Traffic Engineer

AGENDA: **May 3, 2004**

Recommendations: Approve the conceptual plans for the Ridge/Maple Intersection Modification Project

Background: A traffic safety project has been included in the 2004 Capital Improvement Plan to construct dual left-turn lanes at the Maple/Ridge intersection approaches to mitigate traffic delays and left-turning accidents. In 2002, this intersection had one of the highest accident rates within the community.

The proposed conceptual plan has been completed by the Mid Kansas Engineering Consulting firm, who will also prepare the final design. In order to facilitate input from the adjacent property owners, the firm has been meeting with them prior to the DAB meeting to discuss impacts and alternatives with respect to this design. The primary issue that has been discussed involves the extension of the raised center medians on the approaches that will revert some commercial driveways to right-in/out movements only. This concerns some property and business owners, since it limits motorist access to these driveways. Plans show that these medians have been extended approximately 200 to 300 feet at the approaches, in accordance to the Access Management Policy, to mitigate left-turning conflicts from these driveway approaches within the functional intersection area where motorists are making complex decisions.

With the approval of the conceptual plans, MKEC will proceed with the final design of the project.

Analysis: As presented by MKEC

Financial Considerations: Estimated project costs equal \$ 800,000 including design and construction. This project is funded by 90% STP federal transportation safety funds with a 10% local match.

Legal Considerations: None

Recommendation/Actions: "It is recommended that the District Advisory Board approve the conceptual plans for the Maple/Ridge Intersection Modification project